FEBRUARY 1977 SEVENTEENTH YEAR - No. 191

# international review of the red cross



PROPERTY OF U.S. ARMY
THE JUDGE ADVOCATE GENERAL'S SCHOOL
LIBRARY

GENEVA
INTERNATIONAL COMMITTEE OF THE RED CROSS
FOUNDED IN 1863

#### INTERNATIONAL COMMITTEE OF THE RED CROSS

- Mr. ALEXANDRE HAY, Lawyer, former Director-General of the Swiss National Bank; President (member since 1975)
- Mr. JEAN PICTET, Doctor of Laws, Chairman of the Legal Commission, Director of the Henry Dunant Institute, Associate Professor at the University of Geneva, Vice-President (1967)
- Mr. HARALD HUBER, Doctor of Laws, Federal Court Judge, Vice-President (1969)
- Mrs. DENISE BINDSCHEDLER-ROBERT, Doctor of Laws, Professor at the Graduate Institute of International Studies, Geneva, Judge at the European Court of Human Rights (1967)
- Mr. MARCEL A. NAVILLE, Master of Arts, ICRC President from 1969 to 1973 (1967)
- Mr. JACQUES F. DE ROUGEMONT, Doctor of Medicine (1967)
- Mr. ROGER GALLOPIN, Doctor of Laws, former ICRC Director-General and former President of the Executive Council (1967)
- Mr. WALDEMAR JUCKER, Doctor of Laws, Secretary, Union syndicale suisse (1967)
- Mr. VICTOR H. UMBRICHT, Doctor of Laws, Managing Director (1970)
- Mr. PIERRE MICHELI, Bachelor of Laws, former Ambassador (1971)
- Mr. GILBERT ETIENNE, Professor at the Graduate Institute of International Studies and at the Institut d'études du développement, Geneva (1973)
- Mr. ULRICH MIDDENDORP, Doctor of Medicine, head of surgical department of the Cantonal Hospital, Winterthur (1973)
- Mrs. MARION BOVÉE-ROTHENBACH, Master of Social Work (University of Michigan)
  Reader at the Ecole des Sciences sociales et politiques of the University of Lausanne
  (1973)
- Mr. HANS PETER TSCHUDI, Doctor of Laws, former Swiss Federal Councillor (1973)
- Mr. HENRY HUGUENIN, Bank Manager (1974)
- Mr. GOTTFRIED DE SMIT, Managing Director (1974)
- Mr. JAKOB BURCKHARDT, Doctor of Laws, Minister Plenipotentiary, Chairman of the Council of Federal Polytechnic Schools (1975)
- Mr. THOMAS FLEINER, Master of Laws, Professor at the University of Fribourg (1975)
- Mr. HERBERT LÜTHY, Doctor of Philosophy, Professor of History at the University of Basle (1975)
- Mr. RICHARD PESTALOZZI, Doctor of Laws, Ambassador (1976)

Honorary members: Miss LUCIE ODIER, Honorary Vice-President;

Messrs. HANS BACHMANN.

GUILLAUME BORDIER, PAUL CARRY,

Mrs. MARGUERITE GAUTIER-VAN BERCHEM,

Messrs. ADOLPHE GRAEDEL, ÉDOUARD DE HALLER, ERIC MARTIN,

RODOLFO OLGIATI, MAX PETITPIERRE, PAUL RUEGGER,

DIETRICH SCHINDLER, FRÉDÉRIC SIORDET, ALFREDO VANNOTTI,

#### EXECUTIVE COUNCIL

Mr. ALEXANDRE HAY, President

Mr. VICTOR H. UMBRICHT. Vice-President

Mrs. DENISE BINDSCHEDLER-ROBERT

Mr. THOMAS FLEINER

Mr. RICHARD PESTALOZZI

Mr. JEAN PICTET

# INTERNATIONAL REVIEW OF THE RED CROSS

## **CONTENTS**

FEBRUARY 1977 - No. 191

INTERNATIONAL COMMITTEE OF THE RED CROSS

IN THE RED CROSS WORLD

**MISCELLANEOUS** 

**BOOKS AND REVIEWS** 

Fourth Session of the Diplomatic Conference	•
Memorandum on the Implementation and the Dissemination of Knowledge of the Geneva Conventions	7
ICRC Appeal	7
External activities: Europe—Asia—Middle East—Africa	7
Dissemination of the Red Cross Conventions: Colombia—Canary Islands—France—Poland— The Arab World	8
Two United Nations Resolutions on the Development of International Humanitarian Law	8
Conventional Weapons	9
The Protection of Cultural Property	9
	9

#### REVUE INTERNATIONALE DE LA CROIX-ROUGE

#### REVISTA INTERNACIONAL DE LA CRUZ ROJA

The French and Spanish editions, also issued every month, may be obtained at the same price.

### EXTRACTS FROM THE REVIEW

#### **GERMAN**

Das Internationale Komitee vom Roten Kreuz und die Folter — Bahamas — Der Schutz von Kulturgütern.

#### INTERNATIONAL REVIEW OF THE RED CROSS

The International Review is published each month by the International Committee of the Red Cross

17, avenue de la Paix, 1211 Geneva, Switzerland Postal Cheque No. 12 - 1767.

Annual subscription: Sw. Fr. 30.— (\$10.—) Single copy Sw. Fr. 3.— (\$1.—)

EDITOR: Michel TESTUZ

The International Committee of the Red Cross assumes responsibility only for material over its own signature.

# The Reunion of Families in Time of Armed Conflict

by G.I.A.D. Draper

#### General

The destruction of the unity and integrity of the family, the natural and fundamental group unit of society, according to Article 16 (3) of the Universal Declaration of Human Rights, 1948, is one of the more tragic consequences of armed conflict. Likewise, in time of peace, the threat to family unity and integrity is one of the potent and inhuman forms of pressure exercised upon individual men and women by Governments in order to secure the regimentation of their peoples. It is salutary to recall, in this context, that one of the purposes of the Law of Nations is to give effect, through appropriate limitations and international supervision of the internal sovereignty of States, to the principle that the protection of human personality and of fundamental rights is the ultimate purpose of all Law, national and international. <sup>1</sup>

International Law is not created for the benefit of States, but for the ultimate benefit of the individuals who comprise such political societies. Although such a fundamental proposition as to the purpose of International Law can be found in Grotius,<sup>2</sup> its practical realisation has been a slow process and today we have journeyed but part of the way. The International Law of armed conflicts has treated individuals with severity exposing those who violate its rules to the penal jurisdiction of States, on a universal basis, and exposing convicted offenders to the risk of

<sup>&</sup>lt;sup>1</sup> Lauterpacht, International Law: Collected Documents, vol. II, p. 47.

<sup>&</sup>lt;sup>2</sup> Ibid., pp. 336, 339.

execution or harsh punishments. The worst of such war crimes, namely genocide, were committed at the direct instigation and under the organization of the State, being a gross and vast criminality beyond the resources of the individual. Yet even the international law of war criminality is, in the last resort, established and enforced for the benefit of the individual. That law has dealt harshly with the individual and leniently, if at all, with the State at the behest of which the grosser war crimes have been committed. The liability to pay compensation, imposed upon States by Article 3 of the Hague Convention No. IV of 1907, has but rarely been invoked even in treaties of peace. The penal enforcement of the Law of War against States is something we have not yet seen.

The preservation of the integrity of the family is a fundamental humanitarian and social value with which the International Humanitarian Law of Armed Conflict cannot fail to be closely concerned, if that Law wishes to be true to its nature and purpose. If the Law of War be a perennial and persistent attempt to accommodate military needs with the dictates of humanity, as was classically expressed in the de Martens Preamble to the Hague Convention of 1907, then it must be said on any fair appraisal that to date the family, as the *unit of society*, has not done well out of the attempt. Almost the first casualty in any armed conflict, international or internal, is the integrity of the family, invariably destroyed temporarily, and all too frequently, permanently.

#### Armed conflict and family unity

Article 46 of the Hague Regulations appended to Hague Convention No. IV of 1907, provides that: Family honour and rights... must be respected. This provision, now part of international customary law, applies solely in territory occupied by the enemy. It was upon this simple but vital legal injunction that certain charges of serious war criminality were grounded in the last war. The Third Reich, in the occupied territories of Europe, paid scant attention to the integrity of the family in the peoples living beneath the occupation régime, particularly in Eastern Europe. The normal method of destroying or violating family unity was by the systematic murder of its members, men, women and children, without remorse or pity, in exercise of the Nazi ideology and upon the occasion of successful war.

The Geneva Conventions of 1949, framed in the light of the excesses of man to man in World War II, built modestly upon the platform of the Hague Regulations, Article 46. The Fourth (Civilians) Convention, Articles 24-26, assume the dispersal of the family as a necessary concomitant of the existence of an armed conflict, and provide limited measures for the taking care of young children separated from their parents by the tide of war, and for the exchange of news between members of families so dispersed. Article 26 more than any other provision of law yet established, shows the precise calibre of legal protection afforded to the integrity of the family: Each Party to the conflict shall facilitate enquiries made by members of families dispersed owing to the war, with the object of renewing contact with one another and of meeting, if possible. It shall encourage, in particular, the work of organizations engaged in this task provided they are acceptable to it and conform to its security regulations. This spells out, by silence, the predicament of the family in time of armed conflict. The latent premise of the provision, modestly mandatory and mainly hortatory, is that the dispersal of the family is assumed to be the normal war time condition. The Law of War has been accused of a traditional mischievous propensity to artificiality. In this instance it is blameless of that failing. With that in mind, the Conventions go no further than requiring Parties to the conflict to facilitate enquiries designed to lead to the renewal of contact by one member of the family with another, and meeting, if possible. Organizations acceptable to the Parties to the conflict engaged in such work are to be encouraged provided security requirements are not disturbed. The subjection of a hortatory provision to such unlimited inroads makes it well nigh useless except as an ideal. The veil of legal protection cast over the integrity of the family is transparent in every part.

Article 27 of the Fourth Convention repeats the requirements of Article 46 of the Hague Regulations of 1907 as to protection of family rights and extends the protection from families in occupied territory to those in the territory of the adversary belligerent: Protected persons are entitled, in all circumstances, to respect for their family rights... That was a step forward, in legal terms, although its beneficient opening is somewhat marred by the concluding paragraph: However, the Parties to the conflict may take such measures of control and security in regard to

<sup>&</sup>lt;sup>1</sup> Lauterpacht, *ibid.*, p. 38.

protected persons as may be necessary as a result of war. The arbiter of these measures will be the Party to the conflict in whose power the family is for the time being. The monitoring of such a provision, difficult though it may be, will devolve upon the Protecting Power, if there is one, under Article 9 of that Convention or upon an organization such as the ICRC if it is allowed to function. Such monitoring agency will have to approach the Party to the conflict concerned for information as to whether the security requirements of the military situation justify the inroads made upon the respect for family rights, among which is included the unity and integrity of the family as a prime social unit. It is not difficult to imagine the answer that such an organization will receive in the majority of cases, but the skill, patience and diplomacy of delegates of the ICRC has contrived to do something to protect the integrity of the family. It is manifest that this branch of the duties of a Protecting Power or ICRC delegate should be the subject of careful and thorough training in time of peace. Delegates confronted with the obstat of security arrangements are entitled to draw the attention of the Government concerned, and of the dispersed members of the families if they can gain access to them, to Article 30 of that Convention. Thereunder, protected persons are entitled to every facility for making application to the Protecting Power and such bodies as the ICRC. To that right there is a correlative duty of the State concerned to allow members of a dispersed family, being protected persons, to make such applications. Protected persons are defined in Article 4 of the Convention and will exclude the stateless and nationals of States not Parties to the Convention. a class of persons sought to be reduced in the draft Protocol 1 now before the Diplomatic Conference on the Humanitarian Law of Armed Conflict at Geneva. Article 30 of the Fourth Convention is a provision of considerable use if resort be made to it by protected persons. Here, the value of instruction in the Conventions to the civilian population, envisaged by Article 144, becomes self-evident. Few members of the civilian population are not members of a family

Article 49 of the same Convention seeks to preserve the unity of the family when evacuations from, or transfers within, occupied territory take place. Such occasions have all too often been the cause of great hardship by the separation of members of families. Para. 3 of this Article requires that Occupying Powers undertaking such transfers or evacuations shall ensure, to the greatest practical extent, ... that members

of the same family are not separated... By the same Article para. 4, The Protecting Power, which will in this context include the ICRC, shall be informed of any transfers and evacuations as soon as they have taken place. This does not strengthen the monitoring of such evacuations and transfers. There should be a provision that representatives of the Protecting Power should be allowed to accompany such evacuations and transfers. This lacuna does not appear to have been met in draft Protocol 1, to date.

Article 82 seeks to support the integrity and unity of the family during internment to the extent of providing that: Throughout the duration of the internment, members of the same family, in particular parents and children, shall be lodged together in the same place of internment, except when separation of a temporary nature is necessitated by reason of employment or health or for the enforcement of (disciplinary and penal provisions). Internees may request that their children who are left at liberty without parental care shall be interned with them. Wherever possible interned members of the same family shall be housed in the same premises and given separate accommodation from other internees, together with facilities for leading a proper family life. The right to request has no correlative duty on the part of the Detaining Power to respond. However, internment as a family unit, wherever possible, is mandatory and the standard of facilities to be given to the family in internment must be such as is consistent with the living of a proper family life. This is a major recognition — in the Convention — of the essential human value of the unity and integrity of the family. As representatives of the Protecting Power and of such bodies as the ICRC have, under Article 143 of this Convention, permission to go to all places where protected persons are, particularly to places of internment, subject to reasons of imperative military necessity which may not prohibit access except as an exceptional and temporary measure, this Article can be monitored. Its importance in the scale of humanitarian provisions for the family is considerable. Where places of internment reach the scale of horror only too well known and frequent in our generation, parents will count it a mercy that their children are not sharing their internment. The day to day existence of such places of internment, even in time of peace, makes it reasonably clear that such condition will not be improved in time of armed conflict and that, on one pretext or another, the Protecting Power and the ICRC will not be allowed access.

As for internal conflicts, the Geneva Conventions have only one provision in each of them, the common Article, 3 controlling such conflicts. The most that can be done by the ICRC, if the offer of its services is accepted by the parties to the conflicts is to try and persuade them to agree to bring into effect those Articles of the Fourth Convention above recited. When families on both sides of the conflict are so dispersed that some members are in the hands of one party and some in the hands of the other, it may be possible for the ICRC to persuade the authorities on both sides of the conflict, on the basis of reciprocal interest, to allow the dispersed members of the families to be reunited, and to act as a monitoring and convoying agency for that purpose.

By Article 132 of the Convention an interned person shall be released by the Detaining Power as soon as the reasons for his internment no longer exist. Further, the Parties to the conflict shall endeavour, during the hostilities, to conclude agreements for the release, repatriation, return to places of residence or the accommodation in neutral territory, of certain classes of internees, particularly children, pregnant women and mothers with infants and young children... and internees who have been interned for a long time. For the internee interned without his family, these provisions would be of benefit, but the framing of the obligation of States—to endeavour... to conclude agreements, deprives it of binding force.

Can we say that the International Humanitarian Law of War, as it was established in 1949 and as it stands now, is adequate and effective to preserve and safeguard the integrity of the family in time of armed conflict? It is perhaps not an unfair assessment of the present Law on this subject to suggest that the recognition of the family as a social unit and of the family rights of the individual is shown more by gesture than by substance, with some modest exceptions, and that the dispersal of the family is the latent premise of such Law as we have at the present time. Such dispersal is seen as the normal concomitant of armed conflict. As long as the hostilities last the rights of the belligerent have a marked primacy, in law, over the unity of the family which it is one of the purposes of all Law to ensure.

#### The family and Protocols 1 and 2

The silent premise of these two draft instruments is that the safeguarding of the unity and the integrity of the family in time of armed conflict achieved by the Geneva Conventions of 1949 was sufficient, or that it was not feasible to seek to obtain any greater protection. Both assumptions are open to challenge. If anything, Protocol 2 has made a more progressive approach to this topic than Protocol 1. This has resulted in the latter instrument, although still in draft form, adopting an analogous provision to that found in Article 32 (d) of Protocol 2.

An important preliminary observation has to be made about the scope of application of Section 3 of Protocol 1, dealing with the treatment of persons in the power of a party to the conflict. By draft Article 64 persons considered as stateless or refugees under the law of the State of refuge or of residence, before the outbreak of hostilities are to be protected persons within the meaning of Parts I and III of the Fourth Convention, in all circumstances. This is an important extension of the ambit of Humanitarian Law. The key to the provisions for the protection and humanitarian treatment of civilians under the Fourth Convention is to be within the category of protected persons, a technical term defined with some precision in Article 4 thereof. That Article excludes persons not nationals of a State Party to the Convention and in so doing excluded stateless persons who often coincide with refugees. The stateless and refugees, as therein defined, are now within the considerable protection afforded by Part III of the Fourth Convention which extends to 115 articles.

At the third session of the Diplomatic Conference held in 1976, a group of States, prominent among which was the Holy See, moved the text of a draft Article 64 bis in the following terms:

The High Contracting Parties and the Parties to the conflict shall facilitate in every possible way the reunion of families dispersed as a result of armed conflicts and shall encourage in particular the work of the humanitarian organization engaged in this task in accordance with the provisions of the Conventions and the present Protocol and in conformity with their respective security regulations. What appears to have happened is that draft Article 32 (d) of Protocol 2, relating to internal conflicts, which provides: The Parties to the conflict shall... take all necessary steps to facilitate the reuniting of families temporarily separated, had no counterpart either in the Conventions or in draft Protocol 1. This seemed anomalous and, accordingly, a proposal in the form of Article 64 bis was moved for inclusion in draft Protocol 1 and has been adopted at Committee level. Admittedly, the terms of Article 64 bis are, in part

hortatory, but the provision is nevertheless valuable in promoting the integrity of the family. It is also of considerable assistance to such bodies as the ICRC which may be serving as a substitute for a Protecting Power and can thus assist in the tasks of reuniting dispersed families and monitor the satisfactory performance of those tasks vis-à-vis the party to the conflict concerned. When it is recalled that Protocol 1, by Article 1 (1), extends to armed conflicts waged by persons struggling for self-determination against racial minority Governments, and the nature of such conflicts, the inclusion of Article 64 bis has received an added value. The language of that provision, by referring to Parties to the conflict as well as to High Contracting Parties, i.e., States, makes clear that such was the intention of the redactors of Article 64 bis. Article 32 (d) of Protocol 2 has not yet been adopted or debated at the Conference.

Article 69 of Protocol 1 is primarily concerned with the evacuation, in time of conflict, of sick children to a foreign (neutral) country for health reasons. Para.l provides that Where they have not been separated by circumstances from their parents or legal guardians, the latter's consent must be obtained. This provision assumes, realistically, that some children will have been separated by circumstances, a euphemism for the armed conflict situation. This provision is designed to secure the necessary treatment for the sick child, away from the territory in which the conflict is being waged. As such, its primary purpose is not to preserve the unity of the family. However, in para.3 of this draft Article there is provided a scheme for documentation by data cards to be sent by the authorities of the receiving neutral State to the central tracing agency established by Article 140 of the Fourth Convention in a neutral country, in fact Switzer-This system is established, in para.3, to facilitate the return to their families and countries of children cared for or received abroad. The data to be provided on the cards sent to the central tracing agency will enable this to be done when conditions make such return possible.

#### **Conclusions**

There cannot be much doubt that, if the preservation of the integrity and unity of the family is a fundamental human and social value, the International Humanitarian Law of Armed Conflict has not to date fully expanded itself in that direction. Its inroad upon the sovereignty of the belligerent States is minimal. It affords those States ample opportunity, within the law, to resist those strictly limited inroads if they think fit. By the nature of things an armed conflict presents the major threat to the integrity of the family. The high watermark of achievement so far is draft Article 64 bis of Protocol 1. The legal safeguarding of the natural and fundamental group unit of society is still meagre and weak. It would be assumed that the common interest of all States, in time of armed conflict, is to accord the maximum legal protection to the integrity and unity of the family that could be accommodated with the military situation. Unfortunately, Governments and their officials have discovered that one of the most effective ways of securing passivity and obedience by civilian members of a society is by threats to separate any recalcitrant individual from his or her family. Such threats normally work, particularly when the individual is in the hands and power of the adversary belligerent or in territory occupied by it.

Bodies such as the ICRC and the Holy See are particularly well placed to make decisive initiatives in this area of law-making. Protecting Powers and substitute organizations such as the ICRC have a vital role in monitoring the implementation of such law as there is, designed to preserve the integrity and unity of the family. Now that the protection of civilians from the effects of armed conflicts occupies the central attention of humanitarian jurists, it would seem that much more ought to be done in this direction. In the zones of hostilities, it is sufficient to survive as an individual and only later to seek to be reunited with other members who have had the like good fortune not to be killed. But in occupied areas and in the domestic territory of the adversary belligerent it would seem that mankind stands in urgent need of more cogent and incisive legal rules for the protection and preservation of the integrity and unity of the family.

G.I.A.D. DRAPER

## FOURTH SESSION OF THE DIPLOMATIC CONFERENCE

#### ON THE REAFFIRMATION AND DEVELOPMENT OF INTERNATIONAL HUMANITARIAN LAW APPLICABLE IN ARMED CONFLICTS (CDDH)

After a number of consultations and preparatory meetings, the Diplomatic Conference on humanitarian law, convoked by the Swiss Federal Council and presided over by Mr. Pierre Graber, Federal Councillor, will soon hold its fourth session in Geneva. Its purpose is, with assistance from ICRC experts, to complete consideration of two draft protocols additional to the Geneva Conventions of 1949; one of these deals with international armed conflicts, the other with non-international armed conflicts. An ad hoc committee will examine proposals for the regulation of the use of certain so-called conventional weapons.

The fourth session will open on 17 March 1977; however, only the drafting Committee will begin its work on that date, the main and ad hoc Committees will resume their sittings on 15 April. The Conference is scheduled to terminate on 10 June. Below we give a summary of what each Committee has achieved and what is still before it. *International Review* has already published accounts of the first three sessions in 1974, 1975 and 1976.<sup>1</sup>

#### Committee I

Draft Protocol I

Committee I, whose agenda covered the General Provisions and the provisions for the execution of both Protocols, adapted the whole of

<sup>&</sup>lt;sup>1</sup> May 1974, July 1975 and September 1976.

Part I of Protocol I, entitled *General Provisions*, including *inter alia* the scope of the Protocol, the legal status of parties to a conflict, the appointment of Protecting Powers and meetings of the High Contracting Parties. Of Part V, *Execution of the Conventions and of the present Protocol*, Committee I adopted articles on measures for execution and dissemination, the activities of the Red Cross and other humanitarian organizations, and the repression of breaches and omissions (articles 70 to 76). It also adopted article 69bis referring to protection for journalists.

The main task facing Committee I is to complete the work on Section II of Part V: superior orders, extradition (original draft), mutual assistance in criminal matters, duties of commanding officers, treatment of persons convicted of war crimes, reprisals, commissions of enquiry (new proposals). There will then remain Part VI, Final Provisions.

#### Draft Protocol II

Of this draft, Committee I adopted Part I entitled Scope of the Present Protocol and defining the field of application and the rights and duties of parties to a conflict. Part II, Humane Treatment of Persons in the Power of the Parties to the Conflict, lays down fundamental guarantees and special protection for women and children. Part VII, Execution of the Present Protocol, contains: measures for execution and dissemination, special agreements and ICRC offers of service (articles 36 to 39).

The agenda of the final session includes the termination of the consideration of a rule in Part II which would forbid any derogation from certain Parts of the Protocol even in retaliation for a breach of the Protocol by the enemy. Another item is the drawing up of *Final Provisions* (Part VIII).

#### Committee II

#### Draft Protocol I

Committee II has completed its examination of Part II dealing with the wounded, the sick and the shipwrecked. It adopted the 29 articles of this Part which is divided into three Sections entitled (provisionally) General Protection, Information on the Victims of a Conflict and Mortal Remains of the Dead, and Medical Transport. The aim in the first of these Sections is especially to extend to civilian wounded, sick and shipwrecked the protection granted by the Geneva Conventions to military

wounded sick and shipwrecked. The purpose of the second Section is to supplement the treaty articles on the dead and the missing as they have a number of shortcomings, while the third section is to extend the treaty protection afforded military medical facilities and transports to civilian medical transports, and to provide effective regulations covering medical air transport. It appeared necessary to supplement this Part by provisions made possible by modern technology in signalling and identification systems for medical personnel and transports. These provisions are included in a Technical Annex containing fifteen articles, thirteen of which have been adopted by Committee II. The same Committee has also applied itself to the chapter on civil defence, and during the fourth session it must complete not only this important work but also the examination—not yet started—of three articles devoted to relief for the civilian population.

#### Draft Protocol II

Committee II has examined most of Part III on Wounded, Sick and Shipwrecked Persons; however, it has yet to examine the articles on civil defence, relief to the civilian population, registration and communication of information, and the role of relief societies.

#### Committee III

Committee III was appointed to develop and supplement matters covered by what is known as the "law of The Hague", namely the distinction between combatants and civilians, methods and means of warfare, and protection of civilians.

#### Draft Protocol I

Of Part III, Section I, entitled Methods and Means of Combat, this Committee has adopted the fundamental rules and some articles governing the behaviour of combatants. It has also adopted articles contained in Section II concerning the treatment of persons who have taken part in hostilities. Of Part IV, Civilian Populations, a decision has already been reached on the fundamental rule, the field of application, definitions, general protection for civilian population and civilian property, and on the special protection for certain property, the environment and special localities (Section I), and on the reuniting of dispersed families (Section III).

The Committee has still to consider two proposals in Section II of Part III, one for a new category of prisoners of war and the other relating to mercenaries. It has also to examine provisions in Section II of Part IV entitled *Treatment of Persons in the Power of a Party to the Conflict*, namely those relating to the field of application, refugees and stateless persons, and fundamental guarantees for persons who do not have the benefit of more favourable treatment under the Conventions or the Protocol.

#### Draft Protocol II

The Committee has adopted provisions in Part IV repeating mutatis mutandis, and much simplified, provisions of draft Protocol I on Methods and Means of Warfare. The same applies to Part V entitled Civilian Population, which also includes a prohibition of forced movement of civilians.

For the final session all that remains to be completed is Part IV (prohibition of perfidy) and Chapter III of Part V, Measures in favour of Children.

#### Ad hoc Committee

Unlike the other Committees, the ad hoc Committee on conventional weapons was not required to examine articles of the Protocols drawn up by the ICRC. Nevertheless, a number of proposals were put to it with a view to proscribing or limiting the use of conventional weapons "that may cause unnecessary suffering or have indiscriminate effects". Additional technical information having proved essential, two conferences of experts were held, one in Lucerne from 24 September to 18 October 1974 and the other in Lugano from 28 January to 26 February 1976.

In spite of productive exchanges of views during the first three sessions, the *ad hoc* Committee reached no agreement and there is an important task awaiting it.

<sup>&</sup>lt;sup>1</sup> The proceedings of the first of these Conferences were published by the ICRC in 1975 and of the second in 1976.

#### **Drafting Committee**

The Drafting Committee will revise the wording of articles and ensure consistency among the various languages and in each of the Protocols themselves. This Committee has set itself the objective of examining all articles so far adopted by the other Committees before the latter meet for the fourth session.

To achieve that objective, a few members of the Drafting Committee met in January to prepare the ground for the Committee's work. The Committee itself will start its work in mid-March almost one month before the resumption of meetings by the other Committees.

#### Conclusions

The fourth session has before it a heavy, but not impossible, task. The session programme includes, apart from the preliminary work of the Drafting Committee, four weeks of Committee meetings, two weeks essentially devoted to the work of the Drafting Committee and two weeks of plenary meetings. It is hoped that in this way the Conference will conclude the very considerable work that it has undertaken. The early meeting of the Drafting Committee, the discussions which are taking place and will continue to take place among various States or groups of States before the beginning of the session, and the determination which all States have demonstrated to complete the assignment of the Diplomatic Conference during the fourth session, are reasons for optimism and for hope that 1977, in the history of humanitarian law, will be the year of the Protocols and hence, like 1949, an important stage in that history.

D. B.

# INTERNATIONAL COMMITTEE OF THE RED CROSS

# MEMORANDUM ON THE IMPLEMENTATION AND THE DISSEMINATION OF KNOWLEDGE OF THE GENEVA CONVENTIONS

The International Committee of the Red Cross, on 16 December, sent the governments of States parties to the Geneva Conventions a memorandum on the implementation and the dissemination of knowledge of the Geneva Conventions. We quote that memorandum below:

The Twentieth International Conference of the Red Cross at Vienna in October 1965, in its Resolution No. XXI entitled "Implementation and Dissemination of the Geneva Conventions" expressed the wish that Governments and National Societies submit periodic reports to the ICRC on the steps taken by them in this sphere. On the basis of information received pursuant to that resolution, the ICRC submitted to the International Conferences of the Red Cross at Istanbul and Teheran a report on the implementation of and the dissemination of knowledge of the Geneva Conventions.

The Twenty-second International Conference of the Red Cross at Teheran, in November 1973, renewed, in Resolution No. XII, the appeal to Governments and National Societies to inform the ICRC regularly of their achievements and their projects in order that it might centralize all information on the dissemination of, and instruction in, the Geneva Conventions in the world.

That resolution reads as follows:

The XXIInd International Conference of the Red Cross,

convinced that, in a world torn by violence, there is a pressing need for a widespread dissemination of and instruction in the Geneva Conventions, as an expression of basic Red Cross principles, and hence a factor for peace,

#### INTERNATIONAL COMMITTEE

aware that, owing to its educational nature, such dissemination and instruction is particularly important among the armed forces and youth,

recalling the resolutions on the subject of dissemination adopted by previous International Conferences of the Red Cross and in particular Resolution No. XXI of the XXth International Conference held at Vienna in 1965,

noting with gratification the work already accomplished in the dissemination of the Geneva Conventions by some Governments, numerous National Societies and the ICRC,

calls upon Governments and National Societies to intensify their efforts with a view, on the one hand, to making known to the population as a whole the basic principles of the Red Cross and international humanitarian law by all effective means available to competent authorities at all levels, and on the other hand, to imparting clear concepts regarding the Geneva Conventions to specialized spheres such as the armed forces, civil administrations, institutes of higher learning, the medical and para-medical professions, etc.,

appeals to Governments and National Societies to inform the ICRC regularly of their achievements and their projects, in order that it may centralize all information on the dissemination of, and instruction in, the Geneva Conventions in the world,

requests the ICRC to support the efforts of Governments and National Societies in their dissemination of, and instruction in, the Geneva Conventions by:

- (a) preparing information material suited to the spheres and areas it is proposed to reach (specialized and popular publications in various languages, posters, slides and films),
- (b) advising National Societies who so wish regarding the establishment of their plans of action in this field,
- (c) systematically making the achievements of Governments and National Societies in the dissemination of, and the instruction in, the Geneva Conventions known in its reports and publications,
- (d) itself organizing, or participating in, seminars for the training of specialists in international humanitarian law,

asks the ICRC also to examine the desirability and possibility of convening an ad hoc Conference on dissemination and instruction

of the Geneva Conventions which would enable Governments and National Societies to compare their respective experiences and devise new methods of action,

requests Governments and National Societies to co-operate fully with the ICRC in its efforts to bring about wider dissemination of, and effective instruction in, the Geneva Conventions,

thanks the ICRC for its action, since the XXIst International Conference, in giving the dissemination of, and instruction in, the Geneva Conventions a fresh impetus and for the support it has lent National Societies and Governments.

The International Committee of the Red Cross therefore ventures to remind all Governments concerned of the foregoing resolution and to request the competent authorities to let it know the measures they have taken since 1973 for the dissemination of knowledge of the Geneva Conventions among the armed forces and the civilian population consistent with articles 47 of the First Convention, 48 of the Second, 127 of the Third and 144 of the Fourth. Replies to this appeal will be useful to enable the ICRC to draw up a report for submission to the Twentythird International Conference of the Red Cross in October 1977 at Bucharest. They should therefore reach the ICRC not later than March 1977.

The International Committee holds in mind that, in response to an earlier memorandum, dated 15 August 1972 concerning the dissemination of the Geneva Conventions, thirty Governments had sent detailed replies on what they had done in this respect. The main points mentioned were summarized in a report on the dissemination of the Conventions which the International Committee had the pleasure of presenting to the International Conference of the Red Cross at Teheran. It would be grateful if those Governments would be so kind as to furnish any additional information which they might have on the pursuit of their efforts in this sphere.

The ICRC thanks the competent authorities in advance for any action they take in response to this request.

A copy of this memorandum is being sent also to the National Red Cross, Red Crescent and Red Lion and Sun Societies of the countries concerned.

FOR THE INTERNATIONAL COMMITTEE OF THE RED CROSS

Alexandre HAY President

## APPEAL OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS

In view of the situation in Rhodesia/Zimbabwe, the President of the International Committee of the Red Cross, Mr. Alexandre Hay, sent the following appeal on 14 January 1977 to leaders of the various parties to the conflict. The same text was also sent by the ICRC President to the British authorities and to the Heads of State of the following countries: Angola, Botswana, Mozambique, Tanzania and Zambia.

In November 1976, on the occasion of the Geneva Conference on Rhodesia, I met with the leaders of all the delegations attending the Conference and reviewed with them the humanitarian problems arising from the armed conflict opposing the nationalist movements and the authorities of Salisbury.

In view of the increasing number of victims caused by the armed struggle and the possible escalation in the fighting should the Conference not end in a negotiated solution, we invited all the parties to the conflict to respect and to make their combatants apply in practice the existing humanitarian law and in particular the following basic humanitarian principles:

- 1. Persons "hors de combat" and those taking no direct part in hostilities are entitled to respect for their life, and for their physical and moral dignity. They shall in all circumstances be protected and treated humanely, without any adverse distinction.
- 2. The wounded and sick shall be collected and cared for by the party to the conflict which has them in its power. Protection also covers medical personnel, medical establishments, means of transport and equipment. The Red Cross is the emblem denoting that such protection must be given; it may not be displayed for any other purpose and shall always be respected.
- 3. It is forbidden to kill or wound an enemy who is "hors de combat" or who surrenders.

- 4. Prisoners of war and civilians in the power of the adverse party are entitled to respect for their life, their dignity, their family rights and their convictions. They shall be protected from any act of violence. They shall be entitled to exchange news with their families and to receive relief consignments.
- 5. Everyone shall enjoy basic judicial guarantees. No one shall be held responsible for an act he has not committed. No one shall be subjected to torture or to cruel or degrading punishment or treatment.
- 6. Parties to a conflict and their armed forces do not have an unlimited choice of methods and means of warfare. It is forbidden to use weapons or any methods of warfare likely to cause unnecessary losses or suffering.
- 7. Parties to a conflict shall at all times distinguish between the civilian population and combatants, in order to spare the population and civilian objects. They shall direct their attacks only against military objectives.

We also requested that the International Committee be granted all facilities for visiting prisoners taken by any of the parties and for providing humanitarian assistance to civilian victims of the conflict. Moreover, we specifically reiterated to the Rhodesian authorities the ICRC's request to visit all nationalist fighters captured while bearing weapons and all other persons arrested in relation with the conflict (convicted prisoners and 30- and 60-day detainees)—this in addition to the administrative detainees who have been regularly visited by the ICRC delegates for a number of years.

Today, although negotiations for a peaceful solution are continuing, we fear that the hostilities will intensify and human suffering will increase. The ICRC therefore urgently appeals to all the parties to the conflict to engage themselves publicly to respect and apply the humanitarian law as it is summarized in the principles set forth above. It offers its services to the parties and asks for all necessary facilities to enable its delegates to assist the victims.

#### EXTERNAL ACTIVITIES

#### Europe

Miss L. Simonius, ICRC delegate, visited Athens from 24 to 29 November and Nicosia from 6 to 13 December.

While in Greece she met leading officials of the Hellenic Red Cross. Among matters discussed was the use to be made of a sum of money bequeathed by an expatriate Greek citizen to his native land through the ICRC.

In Cyprus, Miss Simonius had talks with Mrs Soulioti, President of the Red Cross Society, on the problem of persons reported missing and on the organization of a tracing service in collaboration with the Central Tracing Agency.

The ICRC delegate also had an interview with Dr. Hakki, Turkish Cypriot Vice-President of the National Society.

#### Asia

#### Thailand

On 24 November, the ICRC President welcomed a Thailand Government delegation visiting Geneva, and was informed that the Thai Government gave permission for the ICRC to visit the persons arrested after the *coup d'état* of last October and not yet released.

\* \*

The ICRC delegation in Thailand continued its visits to refugees in detention. Between 15 and 23 November, delegates visited seven places of detention where 23 of these detainees were held.

#### People's Democratic Republic of Korea

In mid-November, Mr. Djun Tehang Dioun, head of the delegation of the Red Cross of the People's Democratic Republic of Korea to the Board of Governors, paid a courtesy visit to the ICRC. He informed the Committee that the delegate general for Asia was authorized to proceed to Pyongyang at a date which would be fixed later by common consent.

#### Socialist Republic of Vietnam

Through our delegation in Hanoi, the Vietnamese authorities have asked for the service of the ICRC to organize the repatriation of Taiwanese nationals still living in Ho-Chi-Minh Ville. Negotiations are still in progress with the authorities of Taiwan to obtain entry visas and to settle the financial and practical aspects of this transfer, should it take place.

#### **Philippines**

As part of the programme of aid to displaced persons in Mindanao, the ICRC has sent to the Philippine Red Cross ten tons of milk powder and a hundred tons of flour, gifts from the Swiss Confederation. The flour will be made into bread and biscuits in Manila before being sent to the southern provinces.

In addition to these donations in kind, the ICRC handed over a cheque for 6,000 dollars to the Philippine Red Cross for the distressed people in Mindanao.

#### **Pakistan**

Mr. D. Borel, ICRC regional delegate, visited Pakistan from 3 to 14 December in order to take part in the distribution by the National Red Crescent Society of relief supplies of food for Biharis in refugee camps.

#### India

Returning to India on 15 December, Mr. Borel had talks at the Ministry of Foreign Affairs on the problems resulting from the war with Pakistan, especially the plight of the Biharis who left Bangladesh to go to Pakistan and who are still being held in detention in India.

#### Nepal

During a visit to Nepal from 22 to 31 December, the regional delegate had discussions with the authorities, who showed keen interest in humanitarian law, the Diplomatic Conference and the dissemination of knowledge of Red Cross principles.

#### Middle East

#### Lebanon

Financing. — An information meeting on Lebanon took place on 17 December 1976 at the ICRC headquarters, attended by about fifty representatives of the permanent missions to the UN, among them several ambassadors. The President of the ICRC Executive Board, Mr. Roger Gallopin, accompanied by the ICRC directors, described the Committee's present activities in Lebanon—modified since the cessation of hostilities, but requiring to be continued for an indefinite period.

The four-month plan, initiated by the ICRC last October and first estimated at 46 million francs, has now been reduced to 44 million after adjusting the on-the-spot assessment of needs. The sum of 13 million Swiss francs still has to be found if the budget is to be covered completely. Consequently, while he thanked the permanent representatives for all that their countries were already giving, Mr. Gallopin asked for new approaches to be made to governments so that funds would be forthcoming without delay to support the ICRC's action in Lebanon.

Delegate general on mission. — The ICRC delegate general for the Middle East, Mr. Michael Convers, started a two-week mission to Lebanon and Syria on 7 December, in order to assess protection and relief problems following the cease-fire.

Prisoners. — Although, as reported in the last issue of International Review, the ICRC arranged the simultaneous exchange of prisoners in the hands of the various parties, there are still a few persons held prisoner. On 15 december the delegation visited 12 prisoners in the hands of the Lebanese armed forces. At the end of December the delegation had not yet visited prisoners of the Syrian armed forces, but it was said that about two hundred of them had been set free.

Medical aid. — As already stated, the ICRC hospital in Beirut was closed on 10 December, but the installations remain in place.

From now on, the main lines of ICRC medical action in Lebanon will be as follows: in southern Lebanon, where the situation is not yet completely calm, it is necessary to keep a stock of emergency supplies sufficient for two weeks' requirements in case fighting breaks out again; in the rest of the country, it is planned gradually to reduce our medical aid programme in Beirut in order to concentrate for a little longer on supplying the most distressed rural areas.

Moreover, our efforts will be largely directed towards supporting the medical activities of the Lebanese Red Cross and the "Palestinian Red Crescent".

It has been decided to organize as quickly as possible a number of projects for rehabilitating disabled persons in such a way that the projects can be taken over by National Societies, government agencies or other interested bodies.

Relief. — The ship Kalliopi, on charter to the ICRC, was slightly damaged early in December in Tyre harbour. When the repairs were completed on 20 December the vessel resumed her relief voyages between Cyprus and Lebanon.

#### Israel and the occupied territories

#### United Nations General Assembly

The Special Policy Commission of the United Nations adopted, on 2 December, a resolution condemning the measures taken by Israel to change the demographic composition of the occupied Arab territories, and restating that the Fourth Geneva Convention still applied to all territories occupied since 1967, including Jerusalem.

On 11 November, the Security Council had adopted a declaration along the same lines.

#### Action to aid the handicapped in Gaza

The German Red Cross of the Federal Republic of Germany has again given money (30,000 marks) to the ICRC to be used for disabled persons in Gaza.

The action, which the ICRC is conducting in collaboration with the Magen David Adom, was begun in 1972. It provides for disabled

persons from the Gaza Strip to receive a prosthesis free of charge and to have appropriate rehabilitation treatment.

#### Egyptian food donation for Sinai

On 15 December a transfer operation took place under the auspices of the ICRC across the United Nations buffer zone in Sinai. About 88 tons of foodstuffs, the gift of the Arab Republic of Egypt, were taken from the Nile Valley to the occupied territory of Sinai. The food was given for distribution among needy people in the territory, especially the sick.

#### South Sinai

An ICRC delegate, Mr. M. Zufferey, went to southern Sinai from 28 November to 3 December, to observe how the Bedouin tribes in that region were faring.

#### Africa

#### South Africa

Psychiatric hospitals. — During an exploratory mission to assess the conditions and the treatment of patients, the ICRC delegates visited a score of private and state psychiatric institutions. The mission ended on 9 December with talks between the ICRC delegate general for Africa, Mr. F. Schmidt, Dr. Wildbolz, medical delegate, and the South African Health Secretary.

#### Namibia/South-West Africa

From 16 to 23 December, two ICRC delegates, Mr. D. Dufour and Mr. P. Zuger, carried out a mission in Namibia/South-West Africa to study the living conditions of the Angolan refugees there. Most of these refugees were living in two camps, but some were to be found living in villages with the local population.

At the Society's request, the ICRC gave the South African Red Cross the sum of fifty thousand Swiss francs, for the purchase on the local market of relief supplies for the refugees.

At the same time the ICRC began negotiations with the Government of the People's Republic of Angola to work out a scheme to enable these refugees, if they so wished, to return to their own country.

#### Rhodesia

Mr. F. Schmidt, ICRC delegate general for Africa, met the Justice Minister in Salisbury on 7 December, to try to obtain permission for ICRC delegates to visit categories of prisoners whom they have not so far seen: guerrilla fighters arrested while carrying arms and already sentenced, prisoners under interrogation and those undergoing trial. The authorities have promised to consider the ICRC's request.

Mr. A. Beaud, ICRC delegate, started visits to the "protected villages" in order to find out what the inhabitants needed and estimate the amount of relief that should be sent. He also contacted the appropriate authorities and the two branches of the African National Council, to work out methods of distributing the relief supplies.

#### Somalia

In Mogadishu, Mr. J.-F. Borel, ICRC delegate, together with the Somali Red Crescent and the authorities, worked out a procedure for using relief supplies originally intended for refugees who have since gone back home to Djibouti, the situation there having returned to normal. The supplies will now be distributed from seventeen "youth centres" throughout the country.

The goods comprise 10 tons of milk powder and 50 tons of flour donated by the Swiss Confederation, 5,000 francs worth of drugs and 23,000 francs worth of vitamins.

#### Manritius

Mr. U. Bédert, ICRC delegate for East Africa, was in Mauritius from 25 November to mid-December. He visited local sections of the Red Cross and gave several lectures on the International Red Cross and the ICRC.

#### IN THE RED CROSS WORLD

#### DISSEMINATION OF THE RED CROSS CONVENTIONS

#### **COLOMBIA**

In November 1976, the Colombian Red Cross organized in its capital, Bogotá, and in several other towns a series of lectures, with ICRC co-operation, on the Geneva Conventions and the principles of humanitarian law. The two representatives sent by the ICRC were Mr. C. Pilloud, one of its directors, and Mrs. S. Junod, a jurist on the staff of its Department of Principles and Law.

At the National Society's headquarters in Bogotá, a national seminar was held on 26 November on international humanitarian law. It was attended by army officers, the deans of the country's faculties of law, university professors, doctors and Red Cross members. Mrs. Junod spoke on "The origins of the law of Geneva and the law of the Hague", while Mr. Pilloud dealt with a subject of current interest "The Protocols Additional to the Geneva Conventions and the Diplomatic Conference".

After the seminar, Mrs. Junod went on a lecture tour in Colombia's main cities, Bucaramanga, Cali, Medellin and Barranquilla, and spoke on international humanitarian law and the International Red Cross to audiences composed of university teachers, students and local Red Cross members.

The film produced by the ICRC in 1975, "It Began in Solferino", was shown after each lecture.

Keen interest was shown everywhere and listeners asked many questions, most of which were related to Latin American problems today.

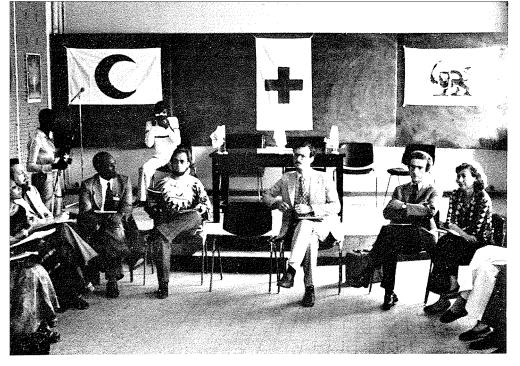
S. J.



**Geneva:** Danish Red Cross pays visit to ICRC. **From right to left**, H.R.H. Prince Henrik of Denmark, Hon. President, the New President of the National Society, the Vice-President and the Secretary-General.

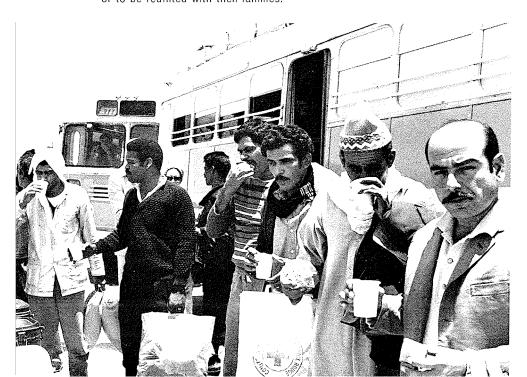
**Guyana:** The Minister of Labour, the President of the Guyana Red Cross and an ICRC delegate, with some of those who took part in the Junior Red Cross seminar in 1976.





**Dakar:** Opening session of the League of Red Cross Societies seminar last January.

From occupied territories of Sinai and Gaza to the Nile Valley, and vice versa, crossings are organized, under ICRC auspices, for people wishing to visit or to be reunited with their families.



#### **CANARY ISLANDS**

In the Red Cross world the name of Don Juan José Gomez Rueda is widely known. In addition to his function as delegate of the Mexican Red Cross in Europe, he is the Henry Dunant Institute's representative in the Canary Islands, where he now lives and where he conducts courses on the Red Cross and humanitarian law. In this way, he has managed to gather around him a whole body of enthusiastic listeners who will, in their turn, spread the humanitarian principles and ideals of the Red Cross. May Don Juan Rueda's example be an inspiration for similar enterprises elsewhere and encourage those who, like him, are working to spread knowledge of the principles of the Red Cross and are seeking to apply them in everyday life.

M. T.

#### FRANCE

"Présence Croix-Rouge", the official organ of the French Red Cross, has devoted the whole of its December 1976 issue to the International Red Cross.

After a few pages on Henry Dunant, founder of the Red Cross, and on the origins of the Red Cross movement, the journal gives an account of the International Committee and its work in providing protection and assistance to the victims of conflicts and in seeking to trace missing persons. Another aspect of the ICRC's activities is also mentioned, namely the promotion and development of international humanitarian law, which is the basis for all Red Cross action, and as an example of this activity, the review refers to the Diplomatic Conference, the fourth session of which is due to take place in Geneva in the spring of 1977.

The second part of this publication deals with the League of Red Cross Societies: its foundation in 1919, organization, the principles underlying its action in the event of natural disasters and its role, as a federative body, in the development of the National Red Cross Societies. The most important dates in the League's existence are given, together with a list of all recognized National Societies.

This same issue also contains an article by Mr. J.-G. Lossier, former editor of *International Review*, on "The Red Cross and Peace", one of the outstanding problems today to which the Red Cross world has been

devoting, a great deal of attention. How can the Red Cross, whose moral authority is so strong and whose membership, by the vast number of its adherents, lends it so much power, act effectively for peace?

All praise should go to "Présence Croix-Rouge" for the high standard maintained in this December issue, which provides such a full and accurate description of the International Red Cross. It will constitute a rich source of essential information for the general public which must at times feel somewhat bewildered by the complexity of the Red Cross movement.

M, T

#### **POLAND**

From 21 to 30 March 1977, the first Red Cross European Seminar on the dissemination of knowledge of the Geneva Conventions will take place in Warsaw. The object of this meeting is to make a study of the most appropriate methods for spreading knowledge of the Geneva Conventions among, in particular, universities, schools, the armed forces, health services and the civil service. It will also provide an opportunity for the National Societies participating in the seminar to exchange notes on their work in disseminating the Geneva Conventions and to examine the educational aspect of such dissemination.

The Polish Red Cross and the ICRC, which will be represented by several delegates, are the joint organizers of the seminar. All European, Canadian and United States National Red Cross Societies have been invited to attend. As a general rule, the National Societies will be represented by their presidents or secretaries-general plus one or two officials.

F. P.

#### THE ARAB WORLD

A 68-page publication in Arabic has just been issued by the ICRC. It is an adaptation, for the Arab world, of the booklet entitled "Handbook of the Geneva Conventions—Essential Rules", published by the ICRC in 1975.

The purpose of this publication is to set forth the essential provisions of the four Geneva Conventions and to facilitate their study and teaching for all in the Arab world who, whether military or civilian, need to learn them or apply them. An alphabetical index makes it easy to find specific provisions.

We shall give a very brief description of the method employed for its publication, as it is one not commonly used. A Cairo calligraphist was commissioned to copy out the whole text by hand, while titles and chapter headings were drawn by a draughtsman. The printer's dummies were prepared and sent to a printer in Switzerland who used the offset process to print the number of copies needed. Traditional Arabic calligraphy and modern Western techniques have thus been brought together in the service of the Red Cross.

R. C.

## TWO UNITED NATIONS RESOLUTIONS ON THE DEVELOPMENT OF INTERNATIONAL HUMANITARIAN LAW

At its thirty-first session, the United Nations General Assembly adopted two resolutions, one on 24 November and the other on 10 December 1976, on matters to be considered by the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, whose third session took place at Geneva from 21 April to 11 June 1976, and by the second Conference of Government Experts on the Use of Certain Conventional Weapons, held at Lugano, under ICRC auspices, from 28 January to 26 February 1976. The text of the resolutions is given below:

#### RESOLUTION A 31/19

#### Respect for human rights in armed conflicts

The General Assembly,

Conscious that a better application of existing humanitarian rules relating to armed conflicts and the development of further rules remains an urgent task in order to reduce the suffering brought about by all such conflicts,

Recalling the successive resolutions adopted in the preceding years by the United Nations relating to human rights in armed conflicts and the debates on this subject,

Noting the report of the Secretary-General on the third session of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, held at Geneva from 21 April to 11 June 1976, and on the second session of the Conference of Government Experts on the Use of Certain Conventional

Weapons convoked by the International Committee of the Red Cross at Lugano from 28 January to 26 February 1976, <sup>1</sup>

Welcoming the substantial progress made at the third session of the Diplomatic Conference and the work of the Conference of Government Experts,

Noting that the Diplomatic Conference will continue its consideration of the use of specific conventional weapons, including any which may be deemed to be excessively injurious or to have indiscriminate effects, and its search for agreement, for humanitarian reasons, on possible rules prohibiting or restricting the use of such weapons,

- 1. Calls upon all parties to armed conflicts to acknowledge and to comply with their obligations under the humanitarian instruments and to observe the international humanitarian rules which are applicable, in particular the Hague Conventions of 1899 and 1907,<sup>2</sup> the Geneva Protocol of 1925 <sup>3</sup> and the Geneva Conventions of 1949;<sup>4</sup>
- 2. Calls the attention of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, and of the Governments and organizations participating in it, to the need for measures to promote on a universal basis the dissemination of and instruction in the rules of international humanitarian law applicable in armed conflicts;
- 3. Urges all participants in the Diplomatic Conference to do their utmost to reach agreement on additional rules which may help to alleviate the suffering brought about by armed conflicts and to respect and protect non-combatants and civilian objects in such conflicts, and to bring the Conference during its final session in 1977 to a successful conclusion;
- 4. Expresses its appreciation to the Swiss Federal Council for convoking the fourth session of the Diplomatic Conference from 17 March to 10 June 1977:
- 5. Requests the Secretary-General to report to the General Assembly at its thirty-second session on relevant developments concerning human

<sup>&</sup>lt;sup>1</sup> A/31/163 and Add.1; see also A/31/146.

<sup>&</sup>lt;sup>2</sup> Carnegie Endowment for International Peace; *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

<sup>&</sup>lt;sup>3</sup> League of Nations, Treaty Series, vol. XCIV, No. 2138, p. 65.

<sup>&</sup>lt;sup>4</sup> United Nations, Treaty Series, vol. 75, Nos. 970-973.

rights in armed conflicts, in particular on the proceedings and results of the 1977 session of the Diplomatic Conference;

6. Decides to include in the provisional agenda of its thirty-second session the item entitled "Respect for human rights in armed conflicts".

### RESOLUTION A 31/64

## Incendiary and other specific conventional weapons which may be the subject of prohibitions or restrictions of use for humanitarian reasons

The General Assembly,

Convinced that the suffering of civilian populations and combatants could be significantly reduced if general agreement can be attained on the prohibition or restriction for humanitarian reasons of the use of specific conventional weapons, including any which may be deemed to be excessively injurious or to have indiscriminate effects,

Mindful that positive results as regards non-use or restriction of use for humanitarian reasons of specific conventional weapons would serve, in addition, as encouragement in the broader field of disarmament and might facilitate subsequent agreement on the elimination of such weapons which were completely banned for use,

Recalling that the issue of prohibitions or restrictions for humanitarian reasons of the use of specific conventional weapons has been the subject of serious and substantive discussion for a number of years, notably at the conferences of government experts held under the auspices of the International Committee of the Red Cross from 24 September to 18 October 1974 at Lucerne and from 28 January to 26 February 1976 at Lugano and at three sessions of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts and in the General Assembly since 1971,

Noting that the discussions and proposals regarding prohibition or restriction of use for humanitarian reasons of certain weapons have focused on napalm and other incendiary weapons, indiscriminate methods of using land mines, on perfidious weapons and weapons which rely for their effect upon fragments invisible on X-ray, on certain types of small calibre projectile which may be especially injurious and on certain blast and fragmentation weapons,

Noting that the issue will come before the fourth session of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, to be held at Geneva from 17 March to 10 June, 1977,

Convinced that the work of the fourth session of the Diplomatic Conference should be inspired by the sense of urgency and the wish to attain concrete results which was stressed in the appeal by the Fifth Conference of Heads of State or Government of Non-Aligned Countries, held in Colombo from 16 to 19 August 1976, concerning particularly the prohibition of the use of napalm and other incendiary weapons,

- 1. Takes note of the reports of the Secretary-General on the work of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts as regards the work of the Conference relevant to the present resolution;
- 2. Invites the Diplomatic Conference to accelerate its consideration of the use of specific conventional weapons, including any which may be deemed to be excessively injurious or to have indiscriminate effects, and to do its utmost to agree for humanitarian reasons on possible rules prohibiting or restricting the use of such weapons;
- 3. Requests the Secretary-General, who has been invited to attend the Diplomatic Conference as an observer, to report to the General Assembly at its thirty-second session on aspects of the work of the Diplomatic Conference, relevant to the present resolution;
- 4. Decides to include in the provisional agenda of its thirty-second session an item entitled "Incendiary and other specific conventional weapons which may be the subject of prohibition or restrictions of use for humanitarian reasons".

### CONVENTIONAL WEAPONS

In an article entitled "Conventional weapons: a revived issue" in *Instant Research on Peace and Violence* (Helsinki, No 1-2/1976 pp. 29-38) published by the Tampere Peace Research Institute, Mr. Pertti Joenniemi reviews the main categories of weapons which were examined by the Conferences of Government Experts in Lucerne (1974) and Lugano (1976).<sup>1</sup>

The author starts by pointing out that one of the characteristics of the postwar intergovernmental talks on weapons is that they have concentrated almost exclusively on nuclear and other mass destruction weapons which — fortunately—have not been extensively used, whereas new "conventional" weapons have been discussed very little but used extensively. This fact demonstrates the need for the current discussions aimed at limiting or banning the use of "conventional" weapons, old or new, which cause excessive suffering or have indiscriminate effects.

The following categories of weapons are considered:

1. Incendiary weapons.—There are many types of incendiary weapons of which the chemical composition, form (shells, rockets, flamethrowers, bombs, grenades and so forth), operational characteristics, use and effects (apart from causing burns, many incendiary weapons are poisonous or asphyxiating) may be extremely varied and have been extensively used since the Second World War (25 countries are said to have used napalm bombs). The author goes on to stress the harm such weapons cause among civilians and he refers in particular to the suffering of victims who are not immediately killed and whose injuries (skin cancer, damage to internal organs, disfigurement and so forth) make it extremely difficult for them to resume normal life.

<sup>&</sup>lt;sup>1</sup> The ban or restriction on the use of these weapons was discussed at the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts. The final session of that Conference will take place from mid-April to mid-June 1977.

2. Small-calibre projectiles.—These projectiles are those of a substantially smaller calibre than the 7.52 mm which have been in common use (5.56, 4.6, 4.32 mm). Because of their high velocity and their tumbling effect on impact they generally cause far worse damage to tissue than the older type of rounds and therefore cause more suffering and a higher mortality rate. The use of rifles firing small calibre rounds is already fairly widespread throughout the world.

Although it is difficult to establish the criteria on which to base the ban of such projectiles, the author emphasizes that there is a need to limit the wounding power of modern small-calibre weapons.

- 3. Blast and fragmentation weapons.—After reviewing the characteristics of the main blast and fragmentation weapons, the author emphasizes their inaccuracy, as they cannot be aimed with certainty at a circumscribed target. He refers to an estimate that 50 to 60% of all battle injuries in "conventional" modern war have been caused by fragments released by explosive weapons. He states that although there is not general agreement on the point, these weapons cause more deaths and more complicated injuries than other conventional weapons (generally because there are many fragments in the body).
- 4. Delayed action weapons.—Landmines are the most familiar example of delayed action weapons. They may be laid by ground forces, but they can also be dropped from the air, without any great accuracy, of course. Some are intended to damage equipment (particularly armoured vehicles) and others to kill or wound people, generally causing injuries below the abdomen.

Mines used to be considered as defensive weapons but it seems that they are also used to support operations in areas not yet controlled. The author states that if this tendency became permanent it would be even more important to regulate the use of mines and minefields.

After referring to disucussions which have been held on possible developments in weapons ("electronic" warfare, laser weapons, microwave and infrasound weapons, light-flash devices, and various methods of geophysical and environmental warfare, etc.), the author concludes that although such technological developments have become an issue in intergovernmental talks, a new approach is necessary to the problems they engender. In his opinion this is needed not only to save the resources now spent on the development and production of costly high technology antipersonnel weapons, but primarily to reduce the suffering and the destruction they cause.

### THE PROTECTION OF CULTURAL PROPERTY

In our October 1954 issue, we published the text of The Hague Convention for the Protection of Cultural Property in the event of armed conflict, and also the regulations for its execution. These texts were introduced by a study in which a member of the ICRC's staff, Mr. René Jean Wilhelm, explained the significance of the Convention for the Red Cross movement and particularly for the ICRC. The Convention was signed on 14th May 1954 and on the 20th anniversary of that event, Mr. Jean de Breucker, in Revue belge du droit international (Brussels, vol. XI) has compared it with the Geneva Conventions.

He starts, as had Mr Wilhelm, by pointing out how these two treaties are akin: 1

Article 2 of this Convention—an offspring of the Law of War—states its purpose to be the protection of cultural property, that is to say not of man but of man's work, the product of his mind, his sentiments, his memory, his creative genius and the cultural inheritance of all the peoples of the world. Providing as it does for protection in the event of armed conflict and, especially, for the organization of such protection, the Convention is not only part and parcel of the law intended to regulate war, but of a much more far-reaching law which came into being in 1864 as a result of Henry Dunant's stirring appeal through the Red Cross, namely the law protecting living beings, the law which, five years before the cultural property Convention, fifty-nine state delegations had taken a stage further by drawing up the four Geneva Conventions of 12 August 1949. These Conventions were present in the minds of the fifty-six state delegates who met from 21 April to 14 May 1954 at the Peace Palace in The Hague.

<sup>&</sup>lt;sup>1</sup> According to Mr. Wilhem: "the new Geneva Conventions considerably encouraged the authors of the Hague Convention for the protection of cultural property".

### The author goes on to say:

In fact, the successful outcome to the 1949 Conference, and particularly the adoption of some provisions—such as the applicability of the Conventions in all circumstances, the possibility of their suspension only in the event of the abuse of privilege to harm an enemy, the setting up of specially protected areas, the prohibition of reprisals against protected persons and property, the specification of penal sanctions to be introduced by all parties—had appreciably bolstered the hopes of those who wished to protect works of art by an international law. It is obvious that the law of 12 August 1949 was a direct inspiration to the authors of the later texts drawn up at UNESCO, and to the negotiators in 1954: the Convention of 14 May 1954 reaffirmed and supplemented the patchwork provisions of 1907; it received the means of doing so from the 1949 Geneva Conventions which, through their terminology and the solutions they proposed, also supplied it with further provisions and a sound foundation.

### Mr. de Breucker concludes his study with two regrets:

First that the cultural property Convention contains nothing in the nature of article 1 of the four 1949 Conventions which limits military necessity and the behaviour of belligerents by stating: "The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances." Even though that clause was included by the International Committee in its preliminary draft, it was omitted from the UNESCO draft submitted to the negotiators in 1954.

A second subject for regret is worth considering, namely the lack of zeal, compared with the Geneva Conventions, in defining breaches of these carefully worked out rules. The short general article 28 is a definite commitment which can be invoked whenever anyone is directly or indirectly guilty of a breach, but it is regrettable that, in spite of proposals made to that effect, the conference did not heed the suggestion to give a detailed list of serious breaches and did not attach greater importance to repression of breaches.

### This fascinating study concludes:

"The Hague Convention for the Protection of Cultural Property came into force on 7 August 1956. So far sixty-six acts of ratification or accession to the Convention, and fifty-seven to the Protocol, have been

deposited with the UNESCO Director-General. The Convention is binding on the states parties to it and also on the United Nations Emergency Force, in accordance with a resolution passed at the Hague Conference in 1954. It was first applied during the Suez conflict in 1956.

"At that time, as requested by Egypt and Israel, UNESCO sent one of our fellow citizens, Professor Garitte of the University of Louvain, as an expert to the Saint Catherine Monastery in the Sinaï to check on the good condition of the monument and its valuable collections.

"The Convention also makes provision for the meeting of state representatives to examine problems of application. Such a meeting took place from 16 to 26 July 1962 at UNESCO headquarters. It did not, however, have any substantial result.

"So far, three States have had cultural property registered for special protection, namely the Holy See, covering the State and City of the Vatican (1960); Austria, one refuge (1967); the Netherlands, six refuges. An attempt to grant special protection to the Angkor Temples (Cambodia) unfortunately failed and all UNESCO was able to do in that region of armed conflict was to send some experts to Phnom Penh.

"After the 1967 Middle-East conflict, the States concerned decided, in accordance with the regulations for the execution of the Convention, to appoint representatives for cultural property; Commissioners General were chosen by agreement from the international list of candidates by the parties in whose territories they were to discharge their mission, and, in default of protecting powers, by a neutral state, Switzerland, in the case in question. In accordance with that procedure, Mr. Karl Brunner (Switzerland) was accredited to Jordan, Lebanon, Egypt and Syria, and Mr. J. Reinik (Netherlands) to Israel. Mr. Brunner was replaced after his death by Mr. de Angelis d'Ossat (Italy); the two Commissioners General are still in office.

"During the non-international conflict which ravaged Nigeria, that country stated that it was unwilling to accept an offer of services from UNESCO as provided for in article 19(3), but it gave the Director General the assurance that the Convention would be respected.

"Article 26(2) requires contracting States to send at least once every four years a report to UNESCO on measures taken pursuant to the Convention. These reports are published and show the interest of governments in applying the Convention. This leads us to mention the extent of the obligations of States in time of peace for the safeguard of cultural property, the repression of breaches, and the dissemination of knowledge of the Convention and the obligations it entails. One resolution adopted by the Conference recommended the constitution of a

national advisory committee in each State. There is always a risk that the Convention will be eroded with the passage of time. No aphorism is more hateful than Machiavelli's: si vis pacem, para bellum. But, like Janus, the adage is two faced. The year of 1975, the European Architectural Heritage year, reminded us to safeguard our buildings, an idea which must be extended to include the restoration of architectural sites and to make the buildings which constitute our cultural heritage a part of the activities of contemporary society. A reminder, discreet but insistant, might not be out of place! Let us continue to hope that even if we may never be able to banish the horrors of war, our efforts under the symbol of the blue and white shield per saltire, will henceforth fit in with the untiring enterprise of the Red Cross to preserve throughout the world the reign of humanity."

97

### BOOKS AND REVIEWS

### L'INSPECTION INTERNATIONALE<sup>1</sup>

Is there, in international society, an inspection function? Replying to this question, the Centre de recherches sur les institutions internationales à Genève has just published a volume which contains fifteen monographs by various authors on State and international organization practices. These papers were put together in a compendium by Mr. Georges Fischer and Mr. Daniel Vignes, who have written an introduction. The book is one of the "International Organization and Relations Collection" under the general editorship of Mr. Jean Siotis.

The first part of the book contains five papers on international inspection in the sphere of international peace and security. The second part deals with technical and economic matters. The third part is devoted to an analysis of various social and humanitarian problems.

This third part contains a study by Mr. Jean Pictet, Vice-President of the ICRC, on ICRC participation in visits to prisoner-of-war camps and to civilian internees. Other contributions in this part refer to international labour legislation, the World Health Organization, international narcotics control, and enquiries relating to human rights.

M. T.

### INDEX TO THE GENEVA CONVENTIONS -- KOREAN TRANSLATION 2

In its November 1976 issue, the *International Review* announced the founding by the National Red Cross Society of the Republic of Korea of an Institute of Humanitarian Law in Seoul.

The Director of that Institute, Mr. Choe Eun Bum in co-operation with Mr. Chu Tong Keum has just published the Korean translation of the index to the Geneva Conventions for the protection of war

<sup>&</sup>lt;sup>1</sup> Etablissements Emile Bruylant, Brussels, 1976, 522 p.

<sup>&</sup>lt;sup>2</sup> The Republic of Korea National Red Cross, Humanitarian Law Institute, Seoul, 1976, 190 p.

victims. This was published in English in 1973 by Mr. Jiri Toman, Director of research at the Henry Dunant Institute in Geneva.

This publication is a fine achievement. As it is printed in Chinese characters, with the fewest possible Korean letters, it will probably be very useful also, with little difficulty, for Chinese and Japanese readers.

M. T.

### Health as a human right, WHO Chronicle No 30, Geneva, 1976

Historically, and in contrast with the early introduction of a number of other rights, the right to health was one of the last to be proclaimed in the constitutions of most countries in the world. There are no references to the right to health in eighteenth and nineteenth century constitutions, whereas a number of other rights are specifically mentioned.

At the international level, the Universal Declaration of Human Rights established a breakthrough in 1948, by stating in Article 25:

- (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family including food, clothing, housing, and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
- (2) Motherhood and childhood are entitled to special care and assistance. All children whether born in or out of wedlock shall enjoy this same social protection.

The Preamble to the WHO Constitution also affirms that it is one of the fundamental rights of every human being to enjoy "the highest attainable standard of health" and that "governments have a responsibility for the health of their peoples which can be fulfilled only by the provision of adequate health and social measures".

A resolution adopted by the Twenty-third World Health Assembly in 1970 goes far beyond these provisions in declaring without qualification that "the right to health is a fundamental human right". Another resolution adopted by the same World Health Assembly elaborates on what may be considered as being the philosophy relating to the right to health and gives the latter a specific dimension. This resolution states that "the attainment by all peoples of the highest possible level of health" is the main long-term objective of the World Health Organization and that the most important condition for this is the development of efficient national health systems in all countries.

### **BOOKS AND REVIEWS**

Although the right to health can be conceived in the sense that a person may not be deprived of his health by the action of another, as by some form of aggression, it would seem that the World Health Assembly was reviewing the right to health rather in the sense of a right to health care. In this context we have a right that is legally enforceable in that a legal duty to provide such care can be created and applied to individuals and communities.

The right to health must also be considered from an international point of view. It is clear that countries have a duty to protect their citizens from communicable diseases, dangerous drugs, and pollution originating in other countries as well as in their own. Various international agreements have been reached in an attempt to secure such protection, examples being the International Health Regulations, the Single Convention on Narcotic Drugs (1961), the Convention on Psychotropic Substances (1971), and the International Convention for the Prevention of the Pollution of the Sea by Oil (1954)...

... There can be no doubt that further ethical problems will emerge as progress continues in medicine and biology and that these problems will affect an increasing number of countries.

Ethical problems are not amenable to a universal solution; each must be considered separately, and in practice such matters are often dealt with in a rather hesitant and piecemeal fashion. Moreover, a given problem will be seen in a different light in different countries, according to the prevailing religious and ethical ideals. In introducing legislation, however, governments may find it helpful to consider the experiences of other countries and the discussions and resolutions of international groups of experts. It is also to be hoped that an acquaintance with these matters will provide physicians and research workers with useful guidelines when they encounter new ethical problems.

### ICRC PUBLICATIONS ISSUED IN 1976

In its February 1976 issue International Review printed a list of the ICRC publications which appeared in the years 1966 to 1975. We now give below the list of ICRC publications issued in 1976. The title of each publication is shown in the language in which it was issued.

- 745. Action du CICR en Angola. 1976; in-4, 15 p. ill. ICRC action in Angola. 1976; 4to, 15 pp. ill. Acção do CICV em Angola. 1976; in-4, 15 p. ill.
- 746. Aspect du CICR (Arabic) 1976; in-4, 18 p. ill.
- 747. Conférence d'experts gouvernementaux sur l'emploi de certaines armes conventionnelles (seconde session), Lugano, 28.1-26.2. 1976). Rapport. 1976, in-8, 241 p., Fr. 22.—.

Conference of Government Experts on the Use of Certain Conventional Weapons (second session, Lugano, 28.1-26.2.1976). Report. 1976, 8vo, 231 pp. Fr. 22.—.

Conferencia de expertos gubernamentales sobre el empleo de ciertas armas convencionales (segundo período de sesiones, Lugano, 28.1-26.2.1976). Informe. 1976, in-8, 249 p. Fr. 22.—.

748. — Claude PILLOUD. Les réserves aux Conventions de Genève de 1949. 1976; in-8, 47 p. Fr. 4.—.

Claude PILLOUD. Reservations to the Geneva Conventions of 1949. 1976; 8vo, 44 pp. Fr. 4.—.

Claude Pilloud. Las reservas a los Convenios de Ginebra de 1949. 1976; in-8, 47 p. Fr. 4.—.

- 749. Yolande DIALLO. Traditions africaines et droit humanitaire. Similitudes et divergences. 1976; in-8, 19 p. Fr. 2.—.
  Yolande DIALLO. African Traditions and Humanitarian Law. Similarities and differences. 1976; 8vo, 18 pp. Fr. 2.—.
  Yolanda DIALLO. Tradición africana y derecho humanitario. Semejanzas y divergencias. 1976; in-8, 19 p. Fr. 2.—.
- 750. Rapport d'activité 1975. In-8, 71 p., ill. Fr. 12.—.

  Annual Report 1975. 8vo, 69 pp., ill. Fr. 12.—.

  Informe de actividad 1975. In-8, 72 p., ill. Fr. 12.—.

  Tätigkeitsbericht 1975. in-8, 71 S. Fr. 12.—.
- 751. Conférence diplomatique sur la réaffirmation et le développement du droit international humanitaire applicable dans les conflits armés. Résumé des travaux de la troisième session. 1976; in-8, 27 p. Fr. 2.—.
   Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts.

Conferencia Diplomática sobre la reafirmación y el desarrollo del derecho internacional humanitario aplicable en los conflictos armados. Resumen del tercer período de sesiones. 1976; in-8, 28 p. Fr. 2.—.

Summary of third session's work. 1976; 8vo, 24 pp. Fr. 2.—.

- 752. Jean Pictet. Les principes de la Croix-Rouge (en arabe). 1976; in-8, 196 p. Fr. 10.— (déjà publié en français, anglais, espagnol, allemand).
- 753. Analytical Index of the International Review of the Red Cross. 1961-1974, 1975, 8vo, 77 pp. Fr. 5.— (version française LP 741).
- 754. Liban 1975-1976. Comité international de la Croix-Rouge. 1976; in-4, 18 p., ill.

Lebanon 1975-1976. International Committee of the Red Cross. 1976; 4to, 18 pp., ill.

Líbano 1975-1976. Comité Internacional de la Cruz Roja. 1976; in-4, 18 p., ill.

Libanon 1975-1976. Internationales Komitee vom Roten Kreuz. 1976; in-4, 18 S., ill.

- 755. Séminaire sur le droit international humanitaire et ses méthodes de diffusion (Genève, 4-15 octobre 1976). 1976; in-8, 9 p.
   Seminar on International Humanitarian Law and Methods for Dissemination (Geneva, 4-15 October 1976). 1976; 8vo, 9 pp.
   Seminario sobre el derecho internacional humanitario y sus métodos de difusión (Ginebra, 4-15 de octubre de 1976). 1976; in-8, 9 p.
- 756. Brochure d'information sur le CICR. 1976; gr. 8°, 16 p., ill.

  Illustrated booklet on the ICRC. 1976; gr. 8°, 16 pp.

  Folleto ilustrado sobre el CICR. 1976; gr. 8°, 16 p.

  Illustrierte Broschüre über das IKRK. 1976; gr. 8°, 16 S.
- 757. Le CICR et la torture. 1976; in-8, 7 p.

  The ICRC and torture. 1976; 8vo, 7 p.

  El CICR y la tortura. 1976; in-8, 7 p.
- 758. Manuel du soldat (Swahili). 1976; in-12, 39 p., ill.

# FIVE RECENT ICRC PUBLICATIONS ISSUED FOR THE DIPLOMATIC CONFERENCE

# ON THE REAFFIRMATION AND DEVELOPMENT OF INTERNATIONAL HUMANITARIAN LAW APPLICABLE IN ARMED CONFLICTS

	Sw. Fr.
<b>Draft Additional Protocols to the Geneva Conventions of August 12, 1949, Geneva</b> , 1973; 8vo, 46 pp	10.—
Draft Additional Protocols to the Geneva	
Conventions of August 12, 1949, Com-	
mentary, Geneva, 1973; 8vo, 176 pp	20.—
Conference of Government Experts on the Use	
of Certain Conventional Weapons, Geneva,	
(first session) 1975, 106 pp	15.—
Conference of Government Experts on the Use	
of Certain Conventional Weapons, Geneva,	
(second session) 1976, 231 pp	22.—
Reservations to the Geneva Conventions of 1949,	
(C. Pilloud) Geneva 1976, 44 pp	4.—

### EXTRACT FROM THE STATUTES OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS

### ADOPTED 21 JUNE 1973

### ART. 1. — International Committee of the Red Cross

- 1. The International Committee of the Red Cross (ICRC), founded in Geneva in 1863 and formally recognized in the Geneva Conventions and by International Conferences of the Red Cross, shall be an independent organization having its own Statutes.
  - 2. It shall be a constituent part of the International Red Cross.<sup>1</sup>

### ART. 2. — Legal Status

As an association governed by Articles 60 and following of the Swiss Civil Code, the ICRC shall have legal personality.

### ART. 3. — Headquarters and Emblem

The headquarters of the ICRC shall be in Geneva.

Its embiem shall be a red cross on a white ground. Its motto shall be *Inter arma caritas*.

### ART. 4. - Role

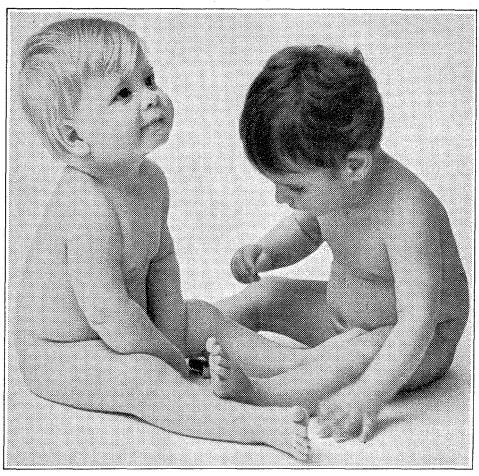
- 1. The special role of the ICRC shall be:
- (a) to maintain the fundamental principles of the Red Cross as proclaimed by the XXth International Conference of the Red Cross;
- (b) to recognize any newly established or reconstituted National Red Cross ociety which fulfils the conditions for recognition in force, and to notify other National Societies of such recognition;
- (c) to undertake the tasks incumbent on it under the Geneva Conventions, to work for the faithful application of these Conventions and to take cognizance of any complaints regarding alleged breaches of the humanitarian Conventions:

<sup>&</sup>lt;sup>1</sup> The International Red Cross comprises the National Red Cross Societies, the International Committee of the Red Cross and the League of Red Cross Societies. The term "National Red Cross Societies" includes the Red Crescent Societies and the Red Lion and Sun Society.

- (d) to take action in its capacity as a neutral institution, especially in case of war, civil war or internal strife; to endeavour to ensure at all times that the military and civilian victims of such conflicts and of their direct results receive protection and assistance, and to serve in humanitarian matters, as an intermediary between the parties;
- (e) to ensure the operation of the Central Information Agencies provided for in the Geneva Conventions;
- (f) to contribute, in view of such conflicts, to the preparation and development of medical personnel and medical equipment, in co-operation with the Red Cross organizations, the medical services of the armed forces, and other competent authorities;
- (g) to work for the continual improvement of humanitarian international law and for the better understanding and diffusion of the Geneva Conventions and to prepare for their possible extension;
- (h) to accept the mandates entrusted to it by the International Conferences of the Red Cross.
- 2. The ICRC may also take any humanitarian initiative which comes within its role as a specifically neutral and independent institution and consider any question requiring examination by such an institution.

### ART. 6 (first paragraph). — Membership of the ICRC

The ICRC shall co-opt its members from among Swiss citizens. It shall comprise fifteen to twenty-five members.



Nestlé devoted to childcare throughout the world



PI 2255 A1



**TO** NATURALLY AN airline from a little country like Swissair confines itself to 79 destinations. Forty of those are in Europe, which after all means only the fourth closestmeshed European network.

True, Swissair flies several times daily from Europe to North America, but it hasn't managed anything bigger than a Douglas DC-10-30 or a Boeing 747 B yet.

And the handful of African cities (17, to be exact) that Swissair serves can't obscure the fact that | hardly make up

the competing airline with the most destinations in Africa flies to a few cities more.

Not to mention the Far East, to which Swissair flies but once a for our time table, and you'll apday. (Even the exclusive nonstop | preciate the pickle we're in.

flights between Bombay and Tokyo and between Athens and Bangkok



for this.) As you can see, it's no picnic being the airline of a small country; so we won't even talk about our flights to

South America.

Why don't you just ask a Swiss-air office or an IATA travel agency

And here are the remaining handful of places where you'll find a Swissair representation.

ĕ

### ADDRESSES OF NATIONAL SOCIETIES

- AFGHANISTAN Afghan Red Crescent, Puli Artan, Kabul.
- ALBANIA Albanian Red Cross, 35, Rruga e Barrikadavet, *Tirana*
- ALGERIA Algerian Red Crescent Society, 15 bis, Boulevard Mohamed V, Algiers.
- ARGENTINA Argentine Red Cross, H. Yrigoyen 2068, 1089 Buenos Aires.
- AUSTRALIA Australian Red Cross, 122 Flinders Street, Melbourne 3000.
- AUSTRIA Austrian Red Cross, 3 Gusshausstrasse, Postfach 39, Vienna 4.
- BAHAMAS Bahamas Red Cross Society, P.O. Box N 91, Nassau.
- BAHRAIN Bahrain Red Crescent Society, P.O. Box 882, Manama.
- BANGLADESH Bangladesh Red Cross Society, 34, Bangabandhu Avenue, Dacca 2.
- PEOPLE'S REPUBLIC OF BENIN Red Cross of Benin, B.P. 1, Porto Novo.
- BELGIUM Belgian Red Cross, 98 Chaussée de Vleurgat, 1050 Brussels.
- BOLIVIA Bolivian Red Cross, Avenida Simón Bolívar, 1515, *La Paz*.
- BOTSWANA Botswana Red Cross Society, Independence Avenue, P.O. Box 485, Gaborone.
- BRAZIL Brazilian Red Cross, Praça Cruz Vermelha 10-12, Rio de Janeiro.
- BULGARIA Bulgarian Red Cross, 1, Boul. Biruzov, Sofia 27.
- BURMA (Socialist Republic of the Union of) Burma Red Cross, 42 Strand Road, Red Cross Building, Rangoon.
- BURUNDI Red Cross Society of Burundi, rue du Marché 3, P.O. Box 324, Bujumbura.
- CAMEROON Cameroon Red Cross Society, rue Henry-Dunant, P.O.B. 631, Yaoundé.
- CANADA Canadian Red Cross, 95 Wellesley Street East, Toronto, Ontario, M4Y 1H6.
- CENTRAL AFRICAN EMPIRE Central African Red Cross, B.P. 1428, Bangui.
- CHILE Chilean Red Cross, Avenida Santa María 0150, Correo 21, Casilla 246V., Santiago.
- CHINA Red Cross Society of China, 22 Kanmien Hutung, Peking, E.
- COLOMBIA Colombian Red Cross, Carrera 7a, 34-65, Apartado nacional 1110, Bogotá D.E. CONGO, PEOPLE'S REPUBLIC OF THE Croix-
- Rouge Congolaise, place de la Paix, Brazzaville. COSTA RICA — Costa Rican Red Cross, Calle 14,
- Avenida 8, Apartado 1025, San José.

  CUBA Cuban Red Cross, Calle 23 201 esq.
- N. Vedado, *Havana*.

  CZECHOSLOVAKIA Czechoslovak Red Cross,
- Thunovska 18, 118 04 Prague I.

  DENMARK Danish Red Cross, Ny Vestergade
- DENMARK Danish Red Cross, Ny Vestergade 17, DK-1741 Copenhagen K.
- DOMINICAN REPUBLIC Dominican Red Cross, Apartado Postal 1293, Santo Domingo.
   ECUADOR — Ecuadorian Red Cross, Calle de la Cruz Roja y Avenida Colombia, 118, Quito.
- EGYPT (Arab Republic of) Egyptian Red Crescent Society, 34 rue Ramses, Cairo.
- EL SALVADOR El Salvador Red Cross, 3a Avenida Norte y 3a Calle Poniente, San Salvador, C.A.
- ETHIOPIA Ethiopian Red Cross, Ras Desta Damtew Avenue, Addis Ababa.

- FIJI Fiji Red Cross Society, 193 Rodwell Road. P.O. Box 569, Suva.
- FINLAND Finnish Red Cross, Tehtaankatu 1 A, Box 168, 00141 Helsinki 14/15.
- FRANCE French Red Cross, 17 rue Quentin Bauchart, F-75384 Paris CEDEX 08.
- GAMBIA The Gambia Red Cross Society, P.O. Box 472, Banjul.
- GERMAN DEMOCRATIC REPUBLIC German Red Cross in the German Democratic Republic, Kaitzerstrasse 2, DDR 801 Dresden 1.
- GERMANY, FEDERAL REPUBLIC OF—German Red Cross in the Federal Republic of Germany, Friedrich-Ebert-Allee 71, 5300, Bonn 1, Postfach (D.B.R.).
- GHANA Ghana Red Cross, National Headquarters, Ministries Annex A3, P.O. Box 835, Accra.
- GREECE Hellenic Red Cross, rue Lycavittou 1, Athens 135.
- GUATEMALA Guatemalan Red Cross, 3a Calle 8-40, Zona 1, Ciudad de Guatemala.
- GUYANA Guyana Red Cross, P.O. Box 351, Eve Leary, Georgetown.
- HAITI Haiti Red Cross, Place des Nations Unies, B.P. 1337, Port-au-Prince.
- HONDURAS Honduran Red Cross, 1<sup>a</sup> Avenida entre 3a y 4a Calles, No 313, Comayagüela, D.C.
- HUNGARY Hungarian Red Cross, V. Arany János utca 31, Budapest V. Mail Add.: 1367 Budapest 5, Pf. 249.
- ICELAND Icelandic Red Cross, Nóatúní 21, Reykjavik.
- INDIA Indian Red Cross, 1 Red Cross Road, New Delhi 110001.
- INDONESIA Indonesian Red Cross, Jalan Abdul Muis 66, P.O. Box 2009, *Djakarta*.
- IRAN Iranian Red Lion and Sun Society, Av. Villa, Carrefour Takhté Djamchid, Teheran.
- IRAQ Iraqi Red Crescent, Al-Mansour, Baghdad.
  IRELAND Irish Red Cross, 16 Merrion Square, Dublin 2.
- ITALY Italian Red Cross, 12 via Toscana, Rome.
   IVORY COAST Ivory Coast Red Cross Society,
   B.P. 1244, Abidjan.
- JAMAICA Jamaica Red Cross Society, 76 Arnold Road, Kingston 5.
- JAPAN Japanese Red Cross, 29-12 Shiba 5-chome, Minato-Ku, Tokyo 108.
- JORDAN Jordan National Red Crescent Society, P.O. Box 10 001, Amman.
- DEMOCRATIC KAMPUCHEA The new address of the Red Cross Society is not yet known.
- KENYA Kenya Red Cross Society, St. John's Gate, P.O. Box 40712, Nairobi.
- KOREA, DEMOCRATIC PEOPLE'S REPUBLIC OF Red Cross Society of the Democratic People's Republic of Korea, *Pyongyang*.
- KOREA, REPUBLIC OF The Republic of Korea National Red Cross, 32-3Ka Nam San-Dong, Seoul.
- KUWAIT Kuwait Red Crescent Society, P.O. Box 1350, Kuwait.
- LAO PEOPLES' DEMOCRATIC REPUBLIC Lao Red Cross, P.B. 650, Vientiane.
- LEBANON Lebanese Red Cross, rue Spears, Beirut.
- LESOTHO Lesotho Red Cross Society, P.O. Box 366, Maseru.

- LIBERIA Liberian National Red Cross, National Headquarters, 107 Lynch Street, P.O. Box 226, Monrovia.
- LIBYAN ARAB REPUBLIC Libyan Arab Red Crescent, P.O. Box 541, Benghazi.
- LIECHTENSTEIN Liechtenstein Red Cross, Vaduz.
- LUXEMBOURG Luxembourg Red Cross, Parc de la Ville, C.P. 1806, Luxembourg.
- MALAGASY REPUBLIC Red Cross Society of the Malagasy Republic, rue Clémenceau, P.O. Box 1168, *Tananarive*.
- MALAWI Malawi Red Cross, Hall Road, Blantyre (P.O. Box 30080, Chichiri, Blantyre 3).
- MALAYSIA Malaysian Red Crescent Society, 519 Jalan Belfield, Kuala Lumpur 08-03.
- MALI Mali Red Cross, B.P. 280, Bamako.
- MAURITANIA Mauritanian Red Crescent Society, B.P. 344, Avenue Gamal Abdel Nasser, Nouakchott.
- MEXICO Mexican Red Cross, Avenida Ejército Nacional nº 1032, México 10 D.F.
- MONACO Red Cross of Monaco, 27 boul. de Suisse, *Monte Carlo*.
- MONGOLIA Red Cross Society of the Mongolian People's Republic, Central Post Office, Post Box 537, Ulan Bator.
- MOROCCO Moroccan Red Crescent, B.P. 189, Rabat.
- NEPAL Nepal Red Cross Society, Tahachal, P.B. 217, Kathmandu.
- NETHERLANDS Netherlands Red Cross, 27 Prinsessegracht, The Hague.
- NEW ZEALAND New Zealand Red Cross, Red Cross House, 14 Hill Street, Wellington 1. (P.O. Box 12-140, Wellington North.)
- NICARAGUA Nicaraguan Red Cross, D.N. Apartado 3279, Managua.
- NIGER Red Cross Society of Niger, B.P. 386, Niamey.
- NIGERIA Nigerian Red Cross Society, Eko Aketa Close, off St. Gregory Rd., P.O. Box 764, Lagos.
- NORWAY Norwegian Red Cross, Parkveien 33b, Oslo. Mail Add.: Postboks 7034 H-Oslo 3.
- PAKISTAN Pakistan Red Crescent Society, National Headquarters, 169, Sarwar Road, Rawalpindi.
- PANAMA Panamanian Red Cross, Apartado Postal 668, Zona 1, Panamá.
- PARAGUAY Paraguayan Red Cross, Brasil 216, Asunción.
- PERU Peruvian Red Cross, Jirón Chancay 881, Lima.
- PHILIPPINES Philippine National Red Cross, 860 United Nations Avenue, P.O.B. 280, Manila 2801.
- POLAND Polish Red Cross, Mokotowska 14, Warsaw.
- PORTUGAL Portuguese Red Cross, Jardim 9 Abril, 1 a 5, Lisbon 3.
- ROMANIA Red Cross of the Socialist Republic of Romania, Strada Biserica Amzei 29, Bucarest.
- SAN MARINO San Marino Red Cross, Palais gouvernemental, San Marino.

- SAUDI ARABIA Saudi Arabian Red Crescent, Riyadh.
- SENEGAL Senegalese Red Cross Society, Bd Franklin-Roosevelt, P.O.B. 299, Dakar.
- SIERRA LEONE Sierra Leone Red Cross Society, 6A Liverpool Street, P.O.B. 427, Freetown.
- SINGAPORE Singapore Red Cross Society, 15 Penang Lane, Singapore 9.
- SOMALI REPUBLIC Somali Red Crescent Society, P.O. Box 937, Mogadishu.
- SOUTH AFRICA South African Red Cross, Cor. Kruis & Market Streets, P.O.B. 8726, Johannesburg 2000.
- SPAIN Spanish Red Cross, Eduardo Dato 16, Madrid 10.
- SRI LANKA Sri Lanka Red Cross Society, 106 Dharmapala Mawatha, Colombo 7.
- SUDAN Sudanese Red Crescent, P.O. Box 235, Khartoum.
- SWEDEN Swedish Red Cross, Fack, S-104 40 Stockholm 14.
- SWITZERLAND Swiss Red Cross, Taubenstrasse 8, B.P. 2699, 3001 Berne.
- SYRIAN ARAB REPUBLIC Syrian Red Crescent, Bd Mahdi Ben Barake, Damascus.
- TANZANIA Tanzania Red Cross Society, Upanga Road, P.O.B. 1133, Dar es Salaam.
- THAILAND Thai Red Cross Society, Paribatra Building, Chulalongkorn Memorial Hospital, Bangkok.
- TOGO Togolese Red Cross Society, 51 rue Boko Soga, P.O. Box 655, Lomé.
- TRINIDAD AND TOBAGO Trinidad and Tobago Red Cross Society, Wrightson Road West, P.O. Box 357, Port of Spain, Trinidad, West Indies.
- TUNISIA Tunisian Red Crescent, 19 rue d'Angleterre, Tunis.
- TURKEY Turkish Red Crescent, Yenisehir, Ankara.
- UGANDA Uganda Red Cross, Nabunya Road, P.O. Box 494, Kampala.
- UNITED KINGDOM British Red Cross, 9 Grosvenor Crescent, London, SWIX 7EJ.
- UPPER VOLTA Upper Volta Red Cross, P.O.B. 340, Ouagadougou.
- URUGUAY Uruguayan Red Cross, Avenida 8 de Octubre 2990, Montevideo.
- U.S.A. American National Red Cross, 17th and D Streets, N.W., Washington, D.C. 20006.
- U.S.S.R. Alliance of Red Cross and Red Crescent Societies, I. Tcheremushkinskii proezd 5, Moscow 117036.
- VENEZUELA Venezuelan Red Cross, Avenida Andrés Bello No. 4, Apart. 3185, Caracas.
- VIET NAM, SOCIALIST REPUBLIC OF Red Cross of Viet Nam, 68 rue Bà-Trièu, *Hanoi*.
- YUGOSLAVIA Red Cross of Yugoslavia, Simina ulica broj 19, Belgrade.
- REPUBLIC OF ZAIRE Red Cross of the Republic of Zaire, 41 av. de la Justice, B.P. 1712, Kinshasa.
- ZAMBIA Zambia Red Cross, P.O. Box R.W.1, 2837 Brentwood Drive, Lusaka.